

Each year, Idaho's water users divert millions of gallons of water from Idaho's rivers, reservoirs and aquifers. This water is delivered to farms, neighborhoods, parks and schools throughout the state through thousands of miles of canals, laterals, ditches and other facilities.

Since many of these facilities cross private property, it is important for you to understand the rights and obligations associated with a ditch easement or right-of-way (referred to as a "ditch easement").



### What are the irrigation entity's duties?

Irrigation entities must operate and maintain the facilities to minimize the risk of over-topping the banks, failure of the facility and/or blockage. This includes regular monitoring of water flows, ditch banks and irrigation structures.

Ditch easements are necessary to perform these duties. Access must not be blocked.

### What happens if I encroach on a ditch easement?

Encroachments onto ditch easements interferes with access for operation, cleaning, maintenance and repair activities.

Idaho statute (42-1209) prohibits the placement of any encroachment within a ditch easement – including buildings, parking areas, fences, landscaping and other structures or activities within the ditch easement.



### What is a ditch easement?

- A ditch easement includes the irrigation facility and enough land along both banks to allow access for operation, cleaning, maintenance and repair. The width of the easement will vary depending on the facility.
- Access allows operators to remove sediment and other debris, mow, spray/burn and refurbish facilities and to perform other maintenance activities.



- The ditch easement includes the right to deposit any removed debris or other material on the banks of that facility.
- It is not required for a ditch easement to be recorded or notated on your deed(s). Mere existence of the facility constitutes notice of the ditch easement.
- Ditch easements are not public property and are not open to public use. Unauthorized third-party use of this land is a trespass.

### Is there a ditch easement on my property?

If your land is crossed by a water delivery facility, there is likely an easement on your land.

You may use the easement area. However, you cannot interfere with access for operation, cleaning, maintenance or repair activities.

Contact your local irrigation entity before you begin any construction, landscaping or other activity within a ditch easement.

Any unauthorized encroachments will be removed at your expense, in accordance with Idaho law.

**Can I relocate and/or pipe the irrigation facility on my property?**

Yes. But you must first obtain written permission from the entity operating the irrigation facility.

To obtain permission, contact your local irrigation entity to determine what information they will need to review your request. They will also advise you of any standards and/or specifications relating to moving or piping an irrigation facility.



Generally, canals and lateral ditches may only be relocated or piped during the non-irrigation season, after water is out of the delivery system.

**Will the irrigation entity work with me to address my questions?**

Yes. Contact your local irrigation entity if you have questions about the ditch easement on your property.

The irrigation entity can give you information about the irrigation facility in question. This may include:

- The scope of the ditch easement, including the access necessary to operate, clean, maintain and repair the facility; and
- Any policies and/or procedures regarding encroachments and/or modifications.

We appreciate your cooperation in working to protect our irrigation facilities. Feel free to contact us if you have any questions.

**Your local contact information goes in this area.**

